

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Madalyn Barton Fischer

v.

Civil No. 14-cv-412-SM

David Naylor

REPORT AND RECOMMENDATION

Before the court is the complaint filed by plaintiff, Madalyn Barton Fischer. The complaint is before the court for preliminary review, pursuant to LR 4.3(d)(2) and 28 U.S.C. § 1915(e).

Preliminary Review Standard

This court may dismiss claims asserted in pleadings filed by parties proceeding in forma pauperis, if they have failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2). In determining whether a pro se pleading states a claim, the Court construes the pleading liberally. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). Disregarding legal conclusions, the court considers whether the factual content in the pleading and inferences reasonably drawn therefrom, taken as true, state a claim to relief. Hernandez-Cuevas v. Taylor, 723 F.3d 91, 102-03 (1st Cir. 2013).

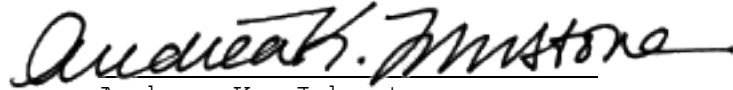
Fischer's complaint is handwritten, disjointed, and difficult to read. The complaint appears to assert that defendant, David Naylor, has harassed Fischer and her family. Fischer identifies Naylor as a Maine resident and as the Portland (Maine) Police Chief, and as an FBI agent based in Springfield, Massachusetts, or California, who has posed as a Comcast employee. Fischer asserts that FBI agents in the State of Maine have told her that inheritance money she believes belongs to her is being used to pay for her crimes. Fischer, who maintains that she has not committed any crime, seeks relief in the form of an order directing Naylor to stop harassing her, and directing that her money be released to her.

The facts alleged in the complaint fail to state any plausible claim upon which relief can be granted. Accordingly, the district judge should dismiss the complaint in its entirety, pursuant to LR 4.3(d)(2) and 28 U.S.C. § 1915(e).

Conclusion

For the foregoing reasons, the district judge should dismiss this action. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file

objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).

A handwritten signature in black ink, reading "Andrea K. Johnstone". The signature is fluid and cursive, with the first name "Andrea" and last name "Johnstone" clearly legible.

Andrea K. Johnstone
United States Magistrate Judge

October 28, 2014

cc: Madalyn Barton Fischer, pro se